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Docket No. 56040-B/JPW/GJG/CSN

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Yaakov Naparstek  
Serial No. : 09/826,069  
Filed : April 4, 2001  
For : PEPTIDES FOR THE TREATMENT OF SYSTEMIC LUPUS ERYTHEMATOSUS AND METHODS OF TREATING SYSTEMIC LUPUS ERYTHEMATOSUS

1185 Avenue of the Americas  
New York, New York 10036  
February 26, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**STATEMENT IN ACCORDANCE WITH 37 C.F.R. §1.821(g)**

In accordance with 37 C.F.R. 1.821(g), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R 1.821(g) and submitted herewith includes no new matter and has the same information as the "Sequence Listing", attached hereto as **Exhibit E**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

*Christine S. Nickles*  
Christine S. Nickles  
c/o Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400



IN 1156  
1156  
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1185 Avenue of the Americas  
New York, New York 10036  
February 26, 2003

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

ATTN: Box Sequence

Sir:

**COMMUNICATION IN RESPONSE TO JANUARY 7, 2003 NOTICE TO COMPLY  
WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

This Communication is submitted in response to a January 7, 2003 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the January 7, 2003 Notice is due March 7, 2003. Therefore, this Communication is being timely filed.

The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures indicates that the application fails to comply with the requirements of 37 C.F.R § 1.821-1.825. Applicant attaches hereto a copy of the Notice as **Exhibit A**. Specifically, the Notice advises that an initial computer readable form (CFR) copy of the "Sequence Listing", an initial paper or compact disc copy

Applicant : Yaakov Naparstek  
Serial No. : 09/826,069  
Filed : April 4, 2001  
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of "Sequence Listing", as well as an amendment directing its entry into the application is required. The Notice also advises that a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and includes no new matter, as required by 37 C.F.R. § 1.821(g).

In response, applicant submits as **Exhibit B** hereto an initial paper copy of "Sequence Listing". Applicant also encloses a computer readable (CFR) copy of the "Sequence Listing". Applicant notes that all sequences in the subject application are identified by sequence identification numbers (SEQ ID NOs), so an amendment directing the entry of the "Sequence Listing" into the application is unnecessary. Applicant submits as **Exhibit C** hereto a Statement in Accordance with 37 C.F.R. § 1.821(g), certifying that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and includes no new matter.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization

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is hereby given to charge the amount of any such fee to Deposit  
Account No. 03-3125.

Respectfully submitted,

*John P. White*

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231  
*John P. White* *3/26/03*  
John P. White Date  
Reg. No. 28,678

John P. White  
Registration No. 28,678  
Attorney for Applicant  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

# APPLICATION SERIAL NUMBER

**09826069**



**DOES NOT COMPLY WITH THE  
SEQUENCE RULES. See reasons below.**

**CRF, paper copy of sequence listing and  
statement that both are same missing.**